

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ARCHIE TINDELL, Plaintiff)
v.) C.A. No. 13-182 Erie
JOHN WETZEL, et al, Defendants.)

MEMORANDUM ORDER

This prisoner civil rights action was filed by Archie Tindell ("Plaintiff") and received by the Clerk of Court on June 24, 2013. The case was referred to a United States Magistrate Judge for a report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges. The magistrate judge's report and recommendation, filed on September 12, 2014, recommended that this case be dismissed for Plaintiff's failure to prosecute. Service was attempted on Plaintiff by mail at SCI Forest, the last address of record. No objections were filed, and Plaintiff's mail was returned. After de novo review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 8th day of October, 2014;

IT IS HEREBY ORDERED that this case is DISMISSED for Plaintiff's failure to prosecute.

The report and recommendation of Magistrate Judge Baxter, dated September 12, 2014, is adopted as the opinion of the court.

/s/ Joy Flowers Conti
JOY FLOWERS CONTI
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge
all parties of record _____